



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

Matthew T. Sanderson, Esq.
Caplin & Drysdale Chartered
1 Thomas Circle, NW
Washington, DC 20005

JUL - 5 2016

RE: MUR 6831

Dear Mr. Sanderson:

On June 3, 2014, the Federal Election Commission notified your clients, Tom MacArthur for Congress and Ronald Gravino in his official capacity as treasurer (the "Committee"), of a complaint alleging violations of certain sections of the Federal Election Campaign Act of 1971, as amended. On June 28, 2016, based upon the information contained in the complaint, and information provided by the Committee, the Commission decided to exercise its prosecutorial discretion to dismiss the complaint and close its file in this matter. Accordingly, the Commission closed its file in this matter on June 28, 2016.

Documents related to the case will be placed on the public record within 30 days. See Statement of Policy Regarding Disclosure of Closed Enforcement and Related Files, 68 Fed. Reg. 70,426 (Dec. 18, 2003) and Statement of Policy Regarding Placing First General Counsel's Reports on the Public Record, 74 Fed. Reg. 66,132 (Dec. 14, 2009). A copy of the dispositive General Counsel's Report is enclosed for your information.

If you have any questions, please contact Ruth Heilizer, the attorney assigned to this matter, at (202) 694-1650.

Sincerely,

Daniel A. Petalas
Acting General Counsel

A handwritten signature in black ink, appearing to read "Jeff S. Jordan", is written over the typed name.

BY: Jeff S. Jordan
Assistant General Counsel
Complaints Examination and
Legal Administration

Enclosure
General Counsel's Report

BEFORE THE FEDERAL ELECTION COMMISSION

ENFORCEMENT PRIORITY SYSTEM
DISMISSAL REPORT

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MUR: 6831

Complaint Receipt Date: May 27, 2014

Response Date(s): July 24, 2014

Respondents: Tom MacArthur for Congress and
Ronald Gravino as treasurer
(the "Committee")
Tom MacArthur

CELA

SENSITIVE

EPS Rating:

Alleged Statutory/

Regulatory Violations:

52 U.S.C. § 30120(d)(1)(B)

11 C.F.R. § 110.11(c)(3)

The Complaint alleges that candidate Tom MacArthur and the Committee (collectively, "Respondents") violated the Federal Election Campaign Act of 1971, as amended (the "Act") and Commission regulations by airing a television advertisement that failed to fully comply with the Commission's disclaimer requirements. Specifically, according to the Complaint, the written portion of the advertisement stated that the Committee had paid for it, but failed to include a written statement of approval by the candidate. Respondents argue that the advertisement's written disclaimer was sufficient to indicate that Mr. MacArthur had authorized the advertisement. Alternatively, Respondents assert that the contents of the advertisement included enough information so that the public would not have been misled as to who had sponsored it.

The television advertisement, as described in the Complaint, included a written statement that the Committee had paid for it and an oral statement of approval by Mr. MacArthur. Thus, although it was noncompliant, the advertisement contained identifying information sufficient to indicate that Mr. MacArthur and the Committee had authorized it.

Based on its experience and expertise, the Commission has established an Enforcement Priority System using formal, pre-determined scoring criteria to allocate agency resources and assess whether particular matters warrant further administrative enforcement proceedings. These criteria include (1) the gravity of the alleged violation, taking into account both the type of activity and the amount in

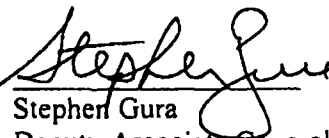
violation; (2) the apparent impact the alleged violation may have had on the electoral process; (3) the complexity of the legal issues raised in the matter; and (4) recent trends in potential violations and other developments in the law. This matter is rated as low priority for Commission action after application of these pre-established criteria. Given that low rating and the other circumstances presented, we recommend that the Commission dismiss the allegations consistent with the Commission's prosecutorial discretion to determine the proper ordering of its priorities and use of agency resources. *Heckler v. Chaney*, 470 U.S. 821, 831-32 (1985). We also recommend that the Commission close the file as to all respondents and send the appropriate letters.

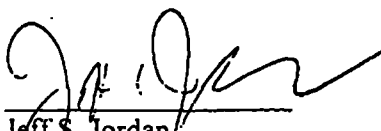
Daniel A. Petalas
Acting General Counsel


Kathleen M. Guith
Acting Associate General Counsel
for Enforcement

5.26.16
Date

BY:


Stephen Gura
Deputy Associate General Counsel
Enforcement


Jeff S. Jordan
Assistant General Counsel
Complaints Examination
& Legal Administration


Ruth Heilizer
Attorney
Complaints Examination
& Legal Administration